

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-273-FDW
(3:03-cr-55-FDW-1)**

ANDREW TIMOTHY JONES,)
)
 Petitioner,)
)
 vs.)
)
UNITED STATES OF AMERICA,)
)
 Respondent.)

ORDER

THIS MATTER is before the Court to correct a previous order.


On May 24, 2016, Petitioner, who is represented by the Federal Defenders of Western North Carolina, commenced this action by filing a motion to vacate pursuant to 28 U.S.C. § 2255. (Doc. No. 1.) Petitioner challenges a 18 U.S.C. § 924(c) conviction and sentence under Johnson v. United States, 135 S. Ct. 2551 (June 26, 2015).

Respondent subsequently filed a motion to hold this proceeding in abeyance pending a decision by the Fourth Circuit Court of Appeals in United States v. Ali, No. 15-4433 (4th Cir) and United States v. Simms, No. 15-4640 (4th Cir.), which raise claims relevant to Petitioner's. (Doc. No. 4.) On September 19, 2016, the Court entered a text order granting the motion but ordering that the action be held in abeyance pending a decision by the United States Supreme Court in Beckles v. United States, No. 15-8455. The Court enters this Order to correct its September 19, 2016 text Order.

IT IS HEREBY ORDERED THAT the September 19, 2016 text Order is vacated in its entirety.

IT IS FURTHER ORDERED THAT, for the reasons stated in the motion and with consent of opposing counsel, Respondent's motion to hold this action in abeyance (Doc. No. 4) is **GRANTED**. Respondent shall file a response to the Petitioner's Motion to Vacate within 60 days of the Fourth Circuit's decision in United States v. Ali, No. 15-4433 or United States v. Simms, No. 15-4640, whichever is entered first.

Signed: September 20, 2016


Frank D. Whitney
Chief United States District Judge

